IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

HTC CORPORATION, Plaintiff, v. APPLE INC., Defendant.	C.A. No. 11-785-GMS

JOINT CLAIM CONSTRUCTION CHART

Pursuant to paragraph 4 of the Court's Scheduling Order entered May 3, 2012 (D.I. 24), and in preparation for the claim construction hearing scheduled for February 19, 2013, the parties respectfully submit this joint claim construction chart for United States Patent Nos. 5,418,524; 5,630,152; 5,630,159; and 5,302,947.

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JOINT CLAIM CHART

I. Patent No. 5,630,152 ("the '152 patent")

Proposed by	Claims	Claim term	HTC's Proposed Construction	HTC's Exemplary Intrinsic Evidence	Apple's Proposed Construction	Apple's Exemplary Intrinsic Evidence
HTC	1, 4	a master device and a slave device included in an electronic device	a master device and a slave device both within a single electronic device	Claims 1, 4, and 13 Figs. 1 and 4 1:16-41 2:27-29 3:46-4:3 Prosecution History, Amendment and Remarks (Apr. 11, 1994) Prosecution History, IDS (May 18, 1992), Motorola Publication ADI 991R2, 8-Bit Microcomputers (1985)	A master device and a slave device in electronic form	1:16-21, 1:55 – 2:2, 2:26-28, 5:36 – 8:47, Figs. 1, 4, Office Action of December 21, 1995 (reissued July 23, 1996), pp. 2-9, Amendment of April 11, 1994, pp. 6-13.
HTC and Apple	10, 17	selective call receiver	device that receives radio frequency (RF) signals	Claims 10, 17 Fig. 4 2:14-16 3:46-4:17 Prosecution History, Amendment and Remarks (Apr. 11, 1994)	An antenna that receives a radio frequency (RF) modulated selective call signal, receiver circuitry for demodulation of the received signal, and processor to decode and correlate an address in the received signal	2:14-16, 3:46-62, 3:36 – 4:6, 4:8-20, 5:36 – 8:47, Fig. 4.
Apple	1-2, 4, 7-8, 10-17	serial peripheral interface (SPI)	Plain & Ordinary Meaning A SPI, i.e., a serial interface including four lines: a slave select line, a master out slave in line (MOSI), a master in	Claims 1-2, 4, 7-8, and 10-17 Figs. 1-6 Abstract 1:9-13 1:55-2:2 2:31-47 2:57-3:15 3:20-45	Serial interface providing a four line connection	Abstract, 2:26-46, 3:63 – 4:6, 5:36 – 8:47, Fig. 1, 4, Office Action of January 18, 1994, pp. 2-11 (referring to Original Specification at p. 6, lines 26-31), Amendment of April

Proposed by	Claims	Claim term	HTC's Proposed Construction	HTC's Exemplary Intrinsic Evidence	Apple's Proposed Construction	Apple's Exemplary Intrinsic Evidence
			slave out line (MISO), and a serial clock line driven by the master device	3:66-4:3 4:31-55 5:1-9 Prosecution History, Amendment and Remarks (Apr. 11, 1994) Prosecution History, Amendment and Remarks (Aug. 22, 1994) Prosecution History, Amendment and Remarks (Oct. 7, 1996) Prosecution History, IDS (May 18, 1992), Motorola Publication ADI 991R2, 8-Bit Microcomputers (1985) Prosecution History, Notice of Allowability (June 8, 1997)		11, 1994, pp. 6-13, Office Action of December 21, 1995 (reissued July 23, 1996), pp. 2-9, Amendment of October 7, 1996, pp. 14-22 (and accompanying proposed drawing change for Fig. 4).
Apple	1-2, 4, 7-8, 10-14, 16-17	communication initiation signal	Agreed position: A signal that begins a communication	Claims 1-2, 4, 7-8, 10-14, and 16-17 Figs. 1-3, 5-6 Abstract 1:47-54 1:64-2:2 2:31-40 2:67-3:8 3:14-15 3:26-45 4:31-55 5:1-9 Prosecution History, Amendment and Remarks	Agreed position: A signal that begins a communication	Abstract, 1:46 – 2:2, 2:26-46, 2:56 – 3:14, 4:7-14, 4:26-32, 5:36 – 8:47, Amendment of April 11, 1994, pp. 6-13.

Proposed by	Claims	Claim term	HTC's Proposed Construction	HTC's Exemplary Intrinsic Evidence	Apple's Proposed Construction	Apple's Exemplary Intrinsic Evidence
				(Apr. 11, 1994) Prosecution History, Amendment and Remarks (Oct. 7, 1996) Prosecution History, Notice of Allowability (June 8, 1997)		
Apple	4, 10, 13, 17	full duplex data transference	Plain & Ordinary Meaning transfer of data in both directions during the same time	Claims 4, 10, 13, and 17 Abstract Figs. 1-6 1:9-13 1:47-2:2 2:29-43 2:57-3:41 4:36-49 4:59-64 5:1-27 Prosecution History, IDS (May 18, 1992), Motorola Publication ADI 991R2, 8-Bit Microcomputers (1985) Prosecution History, Amendment 1and Remarks (Apr. 11, 1994) Prosecution History, Amendment and Remarks (Aug. 22, 1994) Prosecution History, Amendment and Remarks (Oct. 7, 1996)	Transfer of signals in both directions during the same time	Abstract, 1:9-12, 1:55 – 2:2, 3:25-44, Amendment of April 11, 1994, pp. 6-13, Amendment of October 7, 1996, pp. 14-22.
Apple	4	providing[, during the first clock cycle	Plain & Ordinary Meaning	Claim 4 Abstract Figs. 5-6	Not disclosed. The limitation is therefore indefinite.	5:36 – 8:47.

Proposed by	Claims	Claim term	HTC's Proposed Construction	HTC's Exemplary Intrinsic Evidence	Apple's Proposed Construction	Apple's Exemplary Intrinsic Evidence
		following transmission of the communication initiation signal,] a portion of the updated register information from the status register	providing, during the first clock cycle following transmission of the communication initiation signal, a bit of the updated register information from the status register	1:47-2:2 4:26-64 5:1-27 Prosecution History, Amendment and Remarks (Apr. 11, 1994) Prosecution History, Amendment and Remarks (Aug. 22, 1994) Prosecution History, Amendment and Remarks (Oct. 7, 1996) Prosecution History, Notice of Allowability (June 8, 1997)		
Apple	10	automatically providing a portion of the status information contained in the status register	Plain & Ordinary Meaning	Claims 1, 4, 10, 13, and 17 Abstract Fig. 5-6 1:47-2:2 4:26-64 5:1-27 Prosecution History, Amendment and Remarks (Apr. 11, 1994) Prosecution History, Amendment and Remarks (Aug. 22, 1994) Prosecution History, Amendment and Remarks (Oct. 7, 1996) Prosecution History, Notice of Allowability (June 8, 1997)	Not disclosed. The limitation is therefore indefinite.	5:36 – 8:47.

Proposed by	Claims	Claim term	HTC's Proposed Construction	HTC's Exemplary Intrinsic Evidence	Apple's Proposed Construction	Apple's Exemplary Intrinsic Evidence
HTC and Apple	13	means for receiving information signals from sources	Function: receiving information signals from sources Structure: support circuitry, controller, and equivalents	Claim 13 Abstract Figs. 2, 4-5 1:29-32 1:58-61 2:50-54 2:64-68 3:16-20 4:3-28 5:22-31 Prosecution History, Amendment and Remarks (Aug. 22, 1994)	Subject to § 112, ¶ 6. Function: receiving information signals from sources Structure: the controller 422, status register 421, interrupt source lines (from at least one of clock recovery determination 408, bit synchronizer 410, modulo timers 406, battery 404, controls 418), as shown and interconnected in Fig. 4, which implement at least blocks 201 and 202 of the flowchart of Fig. 5; and which operate as described at 3:36 to 4:32.	1:55 -2:2, 3:36 – 4:32, 5:36 – 8:47, Figs. 4-5.
HTC and Apple	13	means for updating the information stored in the status register in response to information signals	Function: updating the information stored in the status register in response to information signals Structure: support circuitry, controller, and equivalents	Claim 13 Abstract Figs. 2, 4, 5 1:58-61 2:64-67 4:21-28 4:46-48	Subject to § 112, ¶ 6 Function: updating the information stored in the status register in response to the information signals Structure: the controller 422, status register 421, interrupt source lines	1:55 -2:2, 3:36 – 4:28, 5:36 – 8:47, Figs. 4-5.

Proposed by	Claims	Claim term	HTC's Proposed Construction	HTC's Exemplary Intrinsic Evidence	Apple's Proposed Construction	Apple's Exemplary Intrinsic Evidence
					(from at least two of clock recovery determination 408, bit synchronizer 410, modulo timers 406, battery 404, controls 418), as shown and interconnected in Fig. 4, which implement at least blocks 201 and 202 of the flowchart of Fig. 5, and which operate as described at 3:36 to 4:28.	
HTC and Apple	13	means for automatically providing the updated information to the master device over the SPI in response to the communication initiation signal without first receiving an address of the status register from the master device	Function: automatically providing the updated information to the master device over the SPI in response to the communication initiation signal without first receiving an address of the status register from the master device Structure: support circuitry, controller, serial peripheral interface (SPI), and equivalents	Claim 13 Abstract Figs. 4-6 1:47-2:2 4:11-64 5:1-27 Prosecution History, Amendment and Remarks (Apr. 11, 1994) Prosecution History, Amendment and Remarks (Aug. 22, 1994) Prosecution History, Amendment and Remarks (Oct. 7, 1996) Prosecution History, Notice of Allowability (June 8, 1997)	Subject to § 112, ¶ 6. Function: automatically providing updated information to the master device over the SPI in response to the communication initiation signal without first receiving an address of the status register from the master device Structure: the controller 422, status register 421, interrupt source lines (from at least two of clock recovery	1:55 -2:2, 3:36 – 4:50, 5:36 – 8:47, Figs. 4-6.

Proposed by	Claims	Claim term	HTC's Proposed Construction	HTC's Exemplary Intrinsic Evidence	Apple's Proposed Construction	Apple's Exemplary Intrinsic Evidence
					determination 408, bit synchronizer 410, modulo timers 406, battery 404, controls 418), as shown and interconnected in Fig. 4, which implement the flowchart of Fig. 5 and the timing requirements of Fig. 6; and which operate as described at 3:36 to 4:50.	
HTC and Apple	15	means for transmitting, over the SPI and at substantially the same time as the slave device provides the updated information over the SPI, meaningless information that does not address the status register and to which the slave device does not respond	Function: transmitting over the SPI meaningless information that does not address the status register Structure: microprocessor, serial peripheral interface (SPI), and equivalents	Claim 15 Abstract Figs. 1-6 1:9-13 1:33-35 1:47-2:2 2:29-43 2:57-3:45 4:26-64 5:1-27 Prosecution History, IDS (May 18, 1992), Motorola Publication ADI 991R2, 8-Bit Microcomputers (1985) Prosecution History, Amendment and Remarks (Apr. 11, 1994) Prosecution History, Amendment and Remarks (Aug. 22, 1994) Prosecution History,	Subject to § 112, ¶ 6. Function: transmitting, over the SPI and at substantially the same time as the slave device provides the updated information over the SPI, meaningless information that does not address the status register and to which the slave device does not respond Structure: the controller 422, status register 421, interconnecting lines (from controller 422, support circuitry 421 and controls 418 to microprocessor 403), as shown and	1:55 -2:2, 3:36 – 4:50, 5:36 – 8:47, Figs. 4-6.

Proposed by	Claims	Claim term	HTC's Proposed Construction	HTC's Exemplary Intrinsic Evidence	Apple's Proposed Construction	Apple's Exemplary Intrinsic Evidence
				Amendment and Remarks (Oct. 7, 1996) Prosecution History, Notice of Allowability (June 8, 1997)	interconnected in Fig. 4, which implement at least blocks 204, 501, 502 of the flowchart of Fig. 5 and the timing requirements of Fig. 6; and which operate as described at 3:36 to 4:50.	
Apple	5, 15	substantially coincident with transmission of the portion of the updated register information [by the slave device] / substantially the same time [as the slave device provides the updated information over the SPI]	Plain & Ordinary Meaning during the period of time that the slave device transmits a bit of the updated register information / during the period of time that the slave device provides the updated information over the SPI	Claims 5 and 15 Abstract Fig. 1-6 1:9-13 1:47-2:2 2:57-3:41 4:33-51 5:1-27 Prosecution History, Amendment and Remarks (Apr. 11, 1994) Prosecution History, IDS (May 18, 1992), Motorola Publication ADI 991R2, 8-Bit Microcomputers (1985) Prosecution History, Amendment and Remarks (Oct. 7, 1996)	Not disclosed. The limitation is therefore indefinite.	1:46-54, 5:36 – 8:47.
Apple	All asserted	Claim preambles[1]			The claim preambles are limiting.	Abstract, 1:9-12, 1:55 – 2:2, 2:26-46, 3:25-

[1] HTC objects to construing terms that have not been specifically identified by the parties. The parties previously agreed that, "[t]o the extent any term in a preamble requires construction, [the parties] listed such term separately." *See* October 12, 2012 Email from C. Corbett.

Proposed by	Claims	Claim term	HTC's Proposed Construction	HTC's Exemplary Intrinsic Evidence	Apple's Proposed Construction	Apple's Exemplary Intrinsic Evidence
	claims.					44, 3:63 – 4:6, 5:36 – 8:47, Fig. 1, 4, Office Action of January 18, 1994, pp. 2-11 (referring to Original Specification at p. 6, lines 26-31), Amendment of April 11, 1994, pp. 6-13, Office Action of December 21, 1995 (reissued July 23, 1996), pp. 2-9, Amendment of October 7, 1996, pp. 14-22 (and accompanying proposed drawing change for Fig. 4).

II. Patent No. 5,630,159 ("the '159 patent")

Proposed by	Claims	Claim term	HTC's Proposed Construction	HTC's Exemplary Intrinsic Evidence	Apple's Proposed Construction	Apple's Exemplary Intrinsic Evidence
Apple	1-3, 18-20, 23-24, 32-35	donor device	A device that provides preferences	Claims 1-3, 18-20, 23-24, and 32-35 Figs. 1-8, 10-18 Abstract 2:37-45 2:49-51 2:58-65 3:6-13 3:27-30 3:34-36 3:47-52 4:32-36 5:6-43 6:29-38 9:22-27 10:42-44 11:1-16 12:30-35	A device that provides preferences in response to a preference selection vector and, if the device can provide preferences for more than one user, information identifying a user.	Abstract, 2:15-17, 2:21-25, 2:58-65, 3:38-40, 3:52-58, 4:20-23, 5:61-66, 6:39-8:27, 9:22-10:5, 10:24-11:15, 12:63-16:60, Figs. 1-8, 11-12, 14-15.
Apple	1, 18, 19	new preferences[2]	Plain & Ordinary Meaning settings for initializing or updating attributes	Claims 1, 18, and 19 Figs. 14-16, 18 1:49-59 2:46-48 4:16-20 10:6-15 12:4-10 12:36-43	Plain and Ordinary Meaning	1:42-59, 2:20-23, 2:46-48, 4:14-20, 5:61-6:15, 8:47-52, 10:6-11:26, 12:4-53, 12:63-16:60, Figs. 14-17.
Apple	1, 18, 19	when new preferences need to be set-up	Plain & Ordinary Meaning	Claims 1, 18, and 19 Figs. 14-18 1:49-59	When determining preferences for the first time	1:42-59, 2:20-23, 2:46-48, 4:14-20, 5:61-6:15, 8:47-52,

[2] Apple no longer proposes construing this term. The parties dispute the plain and ordinary meaning of the term "new preferences" and, therefore, HTC maintains that this term must be construed.

Proposed by	Claims	Claim term	HTC's Proposed Construction	HTC's Exemplary Intrinsic Evidence	Apple's Proposed Construction	Apple's Exemplary Intrinsic Evidence
			when settings for attributes need to be initialized or updated	2:46-48 4:16-20 10:6:15 11:28-41 12:4-20 12:36-43		10:6-11:26, 12:4-53, 12:63-16:60, Figs. 14-17.
Apple	1, 18	said controller determines the donor device is available when the new preferences need to be set-up	Plain & Ordinary Meaning when the 'new preferences need to be set up', then the controller determines the 'donor device' is available *See* constructions for 'new preferences need to be set up' and 'donor device'	Claims 1 and 18 Abstract Fig. 7-8, 14-18 1:49-59 2:35-48 3:13-24 3:37-40 3:52-57 3:65-4:2 4:16-23 4:32-40 4:64-5:5 9:24-27 9:49-52 10:4-48 10:58-61 11:28-41 12:4-20 12:23-43	Said controller determines that new preferences need to be set-up, then determines the donor device is available	1:42-59, 2:20-23, 2:46-48, 3:52-58, 4:14-20, 9:21-55, 10:6-11:26, 12:4-53, 12:63-16:60, Figs. 12, 14-17.
Apple	1, 18, 19	said controller determines if a donor device is available when new preferences need to be set-up /	Plain & Ordinary Meaning when the 'new preferences need to be set up', then the controller determines if the 'donor device' is available	Claims 1, 18, and 19 Abstract Figs. 7-8, 14-18 1:49-59 2:35-48 3:13-24 3:37-40 3:52-57 3:65-4:2	Said controller determines that new preferences need to be set-up, then determines if a donor device is available. /	1:42-59, 2:20-23, 2:46-48, 3:52-58, 4:14-20, 9:21-55, 10:6-11:26, 12:4-53, 12:63-16:60, Figs. 12, 14-17.

Proposed by	Claims	Claim term	HTC's Proposed Construction	HTC's Exemplary Intrinsic Evidence	Apple's Proposed Construction	Apple's Exemplary Intrinsic Evidence
		determining if a donor device is available when new preferences need to be set-up	/ when the 'new preferences need to be set up', then determining if the 'donor device' is available *See* constructions for 'new preferences need to be set up' and 'donor device'	4:16-23 4:32-40 4:64-5:5 9:24-27 9:49-52 10:4-48 10:58-61 11:28-41 12:4-20 12:36-43	Determining that new preferences need to be set-up, then determining if a donor device is available	
Apple	1, 18	said controller connects to the donor device when said controller determines the donor device is available when the new preferences need to be set up	Plain & Ordinary Meaning when the 'new preferences need to be set up', then the controller determines the 'donor device' is available, then the controller connects to the 'donor device' *See* constructions for 'new preferences need to be set up' and 'donor device'	Claims 1 and 18 Figs. 7, 14, 17 3:38-41 4:54-59 5:1-43 10:42-46 12:22-35	Said controller determines that new preferences need to be set up, then determines that the donor device is available, then connects to the donor device.	1:42-59, 2:20-23, 2:46-48, 3:52-58, 4:14-20, 9:21-55, 10:6-11:26, 12:4-53, 12:63-16:60, Figs. 12, 14-17.
Apple	19	temporarily assign preferences	Plain & Ordinary Meaning set preferences until	Claims 19, and 21-22 Fig. 14-15 4:5-13 8:10-32	Indefinite.	3:41-13, 8:28-52, 10:6-11:15, 11:49-12:3, 12:63-16:60, Figs. 6, 14-16.

Proposed by	Claims	Claim term	HTC's Proposed Construction	HTC's Exemplary Intrinsic Evidence	Apple's Proposed Construction	Apple's Exemplary Intrinsic Evidence
			changed by user or 'donor device'			
Apple	20	providing to the donor device information for access of the donor device for a particular user when the donor device is available	Plain & Ordinary Meaning *See* construction for 'donor device'	Claim 20 Figs. 7-8, 11-12, 14, 17 Abstract 2:35-45 3:13-24 3:37-40 3:52-57 3:65-4:2 4:16-23 4:32-40 4:64-5:5 7:60-8:9 9:21-55 10:16-24 10:40-48 10:58-61 11:7-9 12:23-35	The donor device must be available at some time, and when it is, providing to the donor device information for access of the donor device for a particular user.	1:42-59, 2:20-23, 2:46-48, 3:52-58, 4:14-20, 9:21-55, 10:6-11:26, 12:4-53, 12:63-16:60, Figs. 12, 14-17.
Apple	19	accessing the donor device	Plain & Ordinary Meaning *See* construction for 'donor device'	Claims 19 and 20 Fig. 11-12, 14-16 Abstract 2:42-45 3:34-41 3:52-58 4:54-5:5 5:67-6:3 9:24-27 10:6-31	Sending to the donor device a preference selection vector and, if the donor device can provide the preferences for more than one user, information identifying a user	Abstract, 2:15-17, 2:21-25, 2:58-65, 3:38-40, 3:52-58, 4:20-23, 5:61-66, 6:39-8:27, 9:22-10:5, 10:24-11:15, 12:63-16:60, Figs. 1-8, 11-12, 14-15.
Apple	19	accessing the donor device when the donor device is	Plain & Ordinary Meaning *See* construction for	Claims 19 and 20 Fig. 11-12, 14-16 Abstract 2:42-45	The donor device must be available at some time, and when it is, accessing the donor	1:42-59, 2:20-23, 2:46-48, 3:52-58, 4:14-20, 9:21-55, 10:6-11:26, 12:4-53,

Proposed by	Claims	Claim term	HTC's Proposed Construction	HTC's Exemplary Intrinsic Evidence	Apple's Proposed Construction	Apple's Exemplary Intrinsic Evidence
		available	'donor device'	3:34-41 3:52-58 4:54-5:5 5:67-6:3 9:24-27 10:6-31	device.	12:63-16:60, Figs. 1-8, 12, 14-17.
HTC	18, 35	attached donor device	application device that can act as both an application device and a 'donor device' at the same time *See* construction for 'donor device'	Claims 18 and 35 3:49-64	A device that acts as both an application device and a donor device at the same time.	3:31-4:13, 12:63-16:60, Fig. 6.
HTC	1, 18	a port for coupling	an interface for wired or wireless communication	Claims 1, 6, 7, 15, 16, and 18 Figs. 7-8, 14, and 17 2:60-65 3:31-41 4:32-5:47 5:63-6:3 10:42-46 12:22-35	A port for communicating with physically co-located devices.	3:31-4:13, 5:6-6:15, 12:63-16:60, Figs. 1-8.
Apple	1, 18	obtain … preferences from the donor device / obtain and store preferences from the donor device[3]	Plain & Ordinary Meaning receive and store preferences from the 'donor device'	Claims 1 and 18 Abstract 5:67-6:2 6:25-28 12:22-35 12:63-13:11 15:11-25	Receiving preferences by sending to the donor device a preference selection vector and, if the donor device can provide preferences for more than one user,	Abstract, 2:15-17, 2:21-25, 2:58-65, 3:38-40, 3:52-58, 4:20-23, 5:61-66, 6:39-8:27, 9:22-10:5, 10:24-11:15, 12:63-16:60, Figs. 11-12, 14-

[3] Apple no longer proposes construing "obtain and store preferences from the donor device" and proposes construing only "obtain … preferences from the donor device." HTC disagrees with this approach. HTC believes that the full term ("obtain and store preferences from the donor device") is necessary and must be construed to provide the appropriate context.

Proposed by	Claims	Claim term	HTC's Proposed Construction	HTC's Exemplary Intrinsic Evidence	Apple's Proposed Construction	Apple's Exemplary Intrinsic Evidence
			See construction for 'donor device'		information identifying a user / Receiving and storing preferences by sending to the donor device a preference selection vector and, if the donor device can provide preferences for more than one user, information identifying a user.	15.
Apple	All asserted claims.	Claim preambles.[4]			The claim preambles are limiting.	1:9-12, 2:15-27, 9:22-12:10, 12:63-16:60, Figs. 12-18.

[4] *See* footnote 1.

III. Patent No. 5,418,524 ("the '524 patent")

Proposed by	Claim	Claim term	HTC's Proposed Construction	HTC's Exemplary Intrinsic Evidence	Apple's Proposed Construction	Apple's Exemplary Intrinsic Evidence
HTC and Apple	1-5	selective call receiver	device that receives radio frequency (RF) signals	Claims 1-5 Abstract Figs. 1, 4 1:19-40 1:52-54 1:65-68 2:3-11 2:55-64 5:3-26 5:58-62 Prosecution History, Amendment and Remarks (Dec. 23, 1994) Prosecution History, Office Action (June 23, 1994) Prosecution History, Notice of Allowability (Feb. 14, 1995)	A radio modem.	Abstract, 1:14-21, 2:1-35, 3:5-11, 5:3- 41, 5:54-64, 5:66-8:10.
Apple	1-2, 5	upgrade installation software	Plain & Ordinary Meaning	Claims 1-2, and 5 Abstract Fig. 4 1:42-68 2:1-35 5:3-64 Prosecution History, Amendment and Remarks (Dec. 23, 1994) Prosecution History, Notice of Allowability (Feb. 14, 1995)	Uncompiled source code for upgrading application software.	Abstract, 2:1-35, 5:27-65, 5:66-8:10, Fig. 4; Applicant Amendment dated December 23, 1994, pp. 3-8.

Proposed by	Claim	Claim term	HTC's Proposed Construction	HTC's Exemplary Intrinsic Evidence	Apple's Proposed Construction	Apple's Exemplary Intrinsic Evidence
Apple	3-4	upgrade installation information	Plain & Ordinary Meaning	Claims 3-4 Abstract Fig. 4 1:42-68 2:1-35 5:3-64 Prosecution History, Amendment and Remarks (Dec. 23, 1994) Prosecution History, Notice of Allowability (Feb. 14, 1995)	Uncompiled source code for upgrading application software.	Abstract, 2:1-35, 5:27-65, 5:66-8:10, Fig. 4; Applicant Amendment dated December 23, 1994, pp. 3-8.
Apple	1, 5	data interface	Plain & Ordinary Meaning	Claims 1 and 5 Fig. 1 2:3-35 3:12-14 3:47-56 Prosecution History, Amendment and Remarks (Dec. 23, 1994)	A PCMCIA data interface.	3:12-31, 3:56-68, 5:66-8:10, Figs. 1-3, Applicant Amendment dated December 23, 1994, pp. 3-8.
Apple	1-5	coupled to	Plain & Ordinary Meaning connected to	Claims 1-5 Figs. 1, 3 1:23-31 2:16-22 2:25-28 2:55-3:2 3:12-21 3:30-31 3:63-68 5:44-62	Directly connected to.	2:1-35, 2:55-3:2, 3:12-31, 3:57-68, 5:42-65, 5:66-8:10, Figs. 1-3.
Apple	3-4	compiling the upgrade	Plain & Ordinary Meaning	Claims 3-4 Fig. 4	Translating the upgrade installation information	Abstract, 2:1-35, 5:27-65, 5:66-8:10, Fig. 4;

Proposed by	Claim	Claim term	HTC's Proposed Construction	HTC's Exemplary Intrinsic Evidence	Apple's Proposed Construction	Apple's Exemplary Intrinsic Evidence
		installation information	converting the upgrade installation information to executable form	Abstract 2:16-22 5:30-36 5:45-53	from uncompiled source code into an executable form.	Applicant Amendment dated December 23, 1994, pp. 3-8.
Apple	1, 2, 5	in response to the upgrade data / upgrading the application software . . . in response to the upgrade data[5]	upgrading the application software . . . utilizing the upgrade data	Claims 1, 2, and 5 Abstract Fig. 4 2:16-22 5:27-53	Caused by the upgrade data / Upgrading the application software caused by the upgrade data.	Abstract, 2:23-35, 3:47-56, 4:48-60, 5:66-8:10, Fig. 4; Applicant Amendment dated December 23, 1994, pp. 3-8.
Apple	3	second memory means coupled to the receiving means for storing the information	Plain & Ordinary Meaning Not 112, p. 6 *See* construction for 'receiving means'	Claim 3 Fig. 1 2:6-12 2:64-67 4:52-60 5:19-50	Subject to § 112, ¶ 6. Function: storing the information Structure: Not sufficiently disclosed. The limitation is therefore indefinite.	2:1-35, 2:55-3:2, 3:12-46, 3:57-68, 5:14-65, 5:66-8:10, Figs. 1-3.
Apple	4	memory means coupled to the receiving means for storing the upgrade information	Plain & Ordinary Meaning Not 112, p. 6 *See* construction for 'receiving means'	Claim 4 Fig. 1 2:6-12 2:64-67 4:52-60 5:19-50	Subject to § 112, ¶ 6. Function: storing the upgrade information Structure: None disclosed. The limitation is	2:1-35, 2:55-3:2, 3:12-46, 3:57-68, 5:14-65, 5:66-8:10, Fig. 1.

[5] Apple no longer proposes construing "upgrading the application software … in response to the upgrade data," and proposes construing only "in response to the upgrade data." HTC disagrees with this approach. HTC believes that the full term ("upgrading the application software . . . in response to the upgrade data") is necessary and must be construed to provide the appropriate context.

Proposed by	Claim	Claim term	HTC's Proposed Construction	HTC's Exemplary Intrinsic Evidence	Apple's Proposed Construction	Apple's Exemplary Intrinsic Evidence
					therefore indefinite.	
HTC and Apple	3-4	control means coupled to the first and the second memory means for compiling the upgrade installation information and for executing the compiled upgrade installation information in accordance with the upgrade data to upgrade the application software / control means coupled to a first and a second memory means for compiling the upgrade installation information and for executing the compiled upgrade installation information in	Function: compiling the upgrade installation information and executing the compiled upgrade installation information in accordance with the upgrade data to upgrade the application software Structure: microprocessor, and equivalents	Claims 3-4 Abstract Figs. 1, 4 Abstract 2:16-22 5:30-36	Subject to § 112, ¶ 6. Function: compiling the upgrade installation information and executing the compiled upgrade installation information in accordance with the upgrade data to upgrade the application software Structure: microprocessor 108 as described by 3:47-56. / Subject to § 112, ¶ 6. Function: compiling the upgrade installation information and executing the compiled upgrade installation information in accordance with the upgrade data to upgrade the application software Structure: microprocessor 108 as described by 3:47-56.	Abstract, 2:1-35, 2:55-3:2, 3:12-31, 5:27-65, 5:66-8:10, Figs. 1, 4; Applicant Amendment dated December 23, 1994, pp. 3-8.

Proposed by	Claim	Claim term	HTC's Proposed Construction	HTC's Exemplary Intrinsic Evidence	Apple's Proposed Construction	Apple's Exemplary Intrinsic Evidence
		accordance with the upgrade data to upgrade the application software				
HTC and Apple	3-4	receiving means for receiving and decoding the selective call radio signals to recover the information transmitted therein / receiving means for receiving and decoding the selective call radio signals to recover the upgrade information transmitted therein	Function: receiving and decoding the selective call radio signals to recover the information transmitted therein Structure: receiver and decoder, and equivalents	Claims 3-4 Abstract Figs. 1, 4 1:19-40 1:52-54 1:65-68 2:3-11 2:55-64 5:3-26 5:58-62 Prosecution History, Amendment and Remarks (Dec. 23, 1994) Prosecution History, Office Action (June 23, 1994) Prosecution History, Notice of Allowability (Feb. 14, 1995)	Subject to § 112, ¶ 6. Function: receiving and decoding the selective call radio signals to recover the information transmitted therein / receiving and decoding the selective call radio signals to recover the upgrade information transmitted therein Structure: Receiver 104 and decoder 106 as described by 2:58-61.	1:20-34, 2:55-3:2, 5:14-26, 5:66-8:10, Fig. 1.
HTC and Apple	4	data interface means for coupling with an external computer means to transmit	Plain & Ordinary Meaning Not 112, p. 6.	Claim 4 Figs. 1-3 Abstract 1:19-31 2:12-15 2:25-28	Subject to § 112, ¶ 6. Function: coupling with an external computer means to transmit information	3:12-31, 3:56-68, 5:66-8:10, Figs. 1-3, Applicant Amendment dated December 23, 1994, pp. 3-8.

Proposed by	Claim	Claim term	HTC's Proposed Construction	HTC's Exemplary Intrinsic Evidence	Apple's Proposed Construction	Apple's Exemplary Intrinsic Evidence
		information thereto		3:12-31 3:57-68 5:42-53 Prosecution History, Amendment and Remarks (Dec. 23, 1994)	thereto Structure: a PCMCIA data interface	
HTC and Apple	5	means coupled to the data interface for establishing communication between the selective call receiver and the external computer	Function: establishing communication between the 'selective call receiver' and the external computer Structure: bus, and equivalents	Claim 5 Figs. 1-2 3:30-31 3:63-68	Subject to § 112, ¶ 6. Function: establishing communication between the selective call receiver and the external computer Structure: a PCMCIA bus	3:12-31, 3:56-68, 5:66-8:10, Figs. 1-3; Applicant Amendment dated December 23, 1994, pp. 3-8.
HTC and Apple	5	means for receiving upgrade information comprising upgrade installation software and upgrade data for re-programming the external computer	Function: receiving upgrade information comprising upgrade installation software and upgrade data for re-programming the external computer Structure: receiver, and equivalents	Claim 5 Abstract Figs. 1, 4 1:19-40 1:52-54 1:65-68 2:3-11 2:28-35 2:55-64 5:3-26 5:58-62 Prosecution History, Amendment and Remarks (Dec. 23, 1994) Prosecution History, Notice of Allowability	Subject to § 112, ¶ 6. Function: receiving upgrade information comprising upgrade installation software and upgrade data for re-programming the external computer Structure: receiver 104 as described by 2:58-60.	1:20-34, 2:55-3:2, 5:14-26, 5:66-8:10, Fig. 1.

Proposed by	Claim	Claim term	HTC's Proposed Construction	HTC's Exemplary Intrinsic Evidence	Apple's Proposed Construction	Apple's Exemplary Intrinsic Evidence
				(Feb. 14, 1995)		
HTC and Apple	5	means for loading the upgrade installation software into the processor	Function: loading the upgrade installation software into the processor Structure: memory and microprocessor, and equivalents	Claim 5 Fig. 1 2:28-35 2:62-67 5:30-32	Subject to § 112, ¶ 6. Function: loading the upgrade installation software into the processor Structure: None disclosed. The limitation is therefore indefinite.	1:48-65, 2:23-35, 3:32-45, 5:66-8:10, Figs. 1, 4.
HTC and Apple	5	means for upgrading the application software stored in a memory resident in the external computer in accordance with the upgrade installation software and in response to the upgrade data	Function: upgrading the application software stored in a memory resident in the external computer in accordance with the upgrade installation software and 'in response to the upgrade data' Structure: microprocessor, data interface, bus, memory, and equivalents *See* construction for '[upgrading the application software . . .] in response to the upgrade data'	Claim 5 Figs. 1, 4 2:28-35 5:27-36 5:45-53 Prosecution History, Amendment and Remarks (Dec. 23, 1994) Prosecution History, Notice of Allowability (Feb. 14, 1995)	Subject to § 112, ¶ 6. Function: upgrading the application software stored in a memory resident in the external computer in accordance with the upgrade installation software and in response to the upgrade data Structure: None disclosed. The limitation is therefore indefinite.	2:1-22, 3:12-4:23, 5:42-64, 5:66-8:10, Figs. 3, 4.

Proposed by	Claim	Claim term	HTC's Proposed Construction	HTC's Exemplary Intrinsic Evidence	Apple's Proposed Construction	Apple's Exemplary Intrinsic Evidence
HTC and Apple	5	means for deleting the upgrade installation software and the upgrade data	Function: deleting the upgrade installation software and the upgrade data Structure: microprocessor, memory, and equivalents	Claim 5 Fig. 4 2:28-35 5:36-41 Prosecution History, Notice of Allowability (Feb. 14, 1995)	Subject to § 112, ¶ 6. Function: deleting the upgrade installation software and the upgrade data Structure: None disclosed. The limitation is therefore indefinite.	2:23-35, 5:36-41, 5:66-8:10.
Apple	All asserted claims.	Claim preambles.[6]			The claim preambles are limiting.	2:1-35, 5:54-64, 5:66-8:10, Figs. 1-4; Applicant Amendment dated December 23, 1994, pp. 3-8.

[6] *See* footnote 1.

IV. Patent No. 5,302,947 ("the '947 patent")

Proposed by	Claim	Claim term	HTC's Proposed Construction	HTC's Exemplary Intrinsic Evidence	Apple's Proposed Construction	Apple's Exemplary Intrinsic Evidence
HTC and Apple	1, 3, 12-18	selective call receiver	device that receives radio frequency (RF) signals	Claims 1, 3, and 12-18 Figs. 1-3 Abstract 1:7-10 1:13-25 1:28-34 2:18-22 2:63-3:4 3:13-19 5:38-46 Prosecution History, Office Action (Sept. 14, 1993)	A radio modem.	Abstract, 1:13-21, 1:66 – 2:41, 3:12-19, 6:6 – 10:9.
Apple	1, 3, 5, 12	coupling	Plain & Ordinary Meaning connecting	Claims 1, 3, 5, 12 Abstract Figs. 1, 3-4 1:21-25 1:66-2:9 2:18-25 2:32-42 2:66-3:10 3:20-27 4:1-18 5:67-6:4	directly connecting	1:17-25, 1:66 – 2:41, 4:1-22, 5:57 – 6:4, 6:6 – 10:9, Figs.1-4.
Apple	1-5, 7-8, 11-12, 14-15, 18	in response to	Plain & Ordinary Meaning	Claims 1-5, 7-8, 11-12, 14-15, and 18 Abstract 1:46-52 3:53-57 4:18-22 5:34-46 5:67-6:4	Caused by.	Abstract, 1:46-52, 1:66 – 2:18, 2:31-41, 3:53-62, 3:63 – 4:7, 5:34-46, 5:57 – 6:4, 6:6 – 10:9.

Proposed by	Claim	Claim term	HTC's Proposed Construction	HTC's Exemplary Intrinsic Evidence	Apple's Proposed Construction	Apple's Exemplary Intrinsic Evidence
HTC and Apple	5-11	selective call receiver means for receiving and decoding selective call radio signals comprising information	device that receives radio frequency (RF) signals Not 112, p. 6.	Claims 5-11 Fig. 1-3 Abstract 1:7-10 1:13-15 1:28-34 2:18-22 2:63-3:4 3:13-19 5:38-46 Prosecution History, Office Action (Sept. 14, 1993)	Subject to § 112, ¶ 6. Function: receiving and decoding selective call radio signals comprising information Structure: a radio modem In the event this term is determined not to be subject to § 112, ¶ 6, the meaning of the term is "a radio modem".	Abstract, 1:13-21, 1:66 – 2:41, 3:12-19, 6:6-10:9.
HTC	5	data interface means for coupling with an external computer means for transmitting information to the external computer means	Plain & Ordinary Meaning Not 112, p. 6.	Claims 5 and 9 Figs. 1 and 4 Abstract 1:7-10 1:21-25 1:66-2:3 2:18-37 3:20-37 3:53-57 4:1-6 4:32-45	Subject to § 112, ¶ 6. Function: coupling with an external computer means for transmitting information to the external computer means Structure: a PCMCIA data interface.	Abstract, 3:20-37, 3:63 – 4:6, 6:6 – 10:9, Figs. 1-3, Applicant Amendment dated December 23, 1994, pp. 3-8 in related U.S. Pat. 5,148,524 (*see id.* at col. 1:6-11).
Apple	5	memory means coupled to the data interface means for allowing access to the memory means by the external	Plain & Ordinary Meaning Not 112, p. 6	Claims 5 and 12 Figs. 1 and 4 Abstract 2:23-32 3:20-27 3:38-44 4:1-6 4:32-45	Subject to § 112, ¶ 6. Function: allowing access to the memory means by the external computer means Structure: None	2:18-41, 6:6-10:9, Figs. 1, 4.

Proposed by	Claim	Claim term	HTC's Proposed Construction	HTC's Exemplary Intrinsic Evidence	Apple's Proposed Construction	Apple's Exemplary Intrinsic Evidence
		computer means			disclosed. The limitation is therefore indefinite.	
Apple	12	a memory coupled to the data interface for allowing access to the memory by the external computer	Plain & Ordinary Meaning	Claims 5 and 12 Figs. 1 and 4 Abstract 2:23-32 3:20-27 3:38-44 4:32-45	See above, but Apple did not provide a construction. None disclosed. The limitation is therefore indefinite.	
HTC and Apple	5	computer recognition means coupled to the data interface means for recognizing one of a plurality of specific types of external computer in response to signals provided to the data interface means by the external computer	Function: recognizing one of a plurality of specific types of external computer in response to signals provided to the data interface means by the external computer Structure: computer recognition element, microprocessor, memory, identifier, steps 404, 406, 408, and equivalents	Claim 5 Fig. 1 and Fig. 4 Abstract 2:32-37 3:38-42 3:53-62 4:14-39	Subject to § 112, ¶ 6. Function: recognizing one of a plurality of specific types of external computer in response to signals provided to the data interface means by the external computer. Structure: microprocessor 108 and block 109 directly connected to the PCMCIA interface for executing a program which performs the functional operations set forth in Fig. 4, and explained at 4:7-26.	Abstract, 2:18-41, 3:53-62, 4:7-26, 6:6-10:9, Figs. 1, 4.
HTC and Apple	5	driver selection means coupled to	Function: selecting one of the	Claim 5 Figs. 1 and 4	Subject to § 112, ¶ 6.	Abstract, 2:18-41, 3:53-62, 4:7-45, 6:6-

Proposed by	Claim	Claim term	HTC's Proposed Construction	HTC's Exemplary Intrinsic Evidence	Apple's Proposed Construction	Apple's Exemplary Intrinsic Evidence
		the computer recognition means for selecting one of the plurality of executable software driver programs compatible with a recognized one of the plurality of specific types of external computer	plurality of executable software driver programs compatible with a recognized one of the plurality of specific types of external computer Structure: driver selection element, microprocessor, memory, identifier, steps 406, 408, and equivalents	Abstract 2:37-42 3:38-42 3:53-62 4:14-39	Function: selecting one of the plurality of executable software driver programs compatible with a recognized one of the plurality of specific types of external computer Structure: microprocessor 108 and block 111 executing a program which performs the functional operations set forth in Fig. 4, and explained at 4:7-45.	10:9, Figs. 1, 4.
Apple	6, 11, 13, 18	single, invariant, high-level application programming interface compatible with all the specific types of external computer that have a corresponding software driver program in the plurality of software driver programs	Plain & Ordinary Meaning a consistent interface between high-level and low-level software, compatible with all the specific types of external computer that have a corresponding software driver program in the plurality of software driver programs	Claims 6, 11, 13, and 18 1:38-61 4:58-5:9 5:15-28	Not disclosed. The limitation is therefore indefinite.	1:38-42, 3:38-51, 5:10-33, 5:47-56, 6:6 – 10:9.

Proposed by	Claim	Claim term	HTC's Proposed Construction	HTC's Exemplary Intrinsic Evidence	Apple's Proposed Construction	Apple's Exemplary Intrinsic Evidence
Apple	All asserted claims.	Claim preambles.[7]			The claim preambles are limiting.	1:66 – 2:41, 5:57 – 6:4.

[7] *See* footnote 1.